

Report Date: March 13, 2006

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 14 2006

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Michelle Lee Blair

Case Number: 2:00CR00034-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, U.S. District Judge

Date of Original Sentence: 09/22/2000

Type of Supervision: Term of Supervised Release

Original Offense: Felon in Possession of a Firearm,
18 U.S.C. § 922(g)(1)

Date Supervision Commenced: 03/10/2006

Original Sentence: Prison - 84 Months; TSR - 36
Months

Date Supervision Expires: 03/09/2009

PETITIONING THE COURT

To modify the conditions of supervision as follows:

You shall reside in a community corrections center for a period of up to 180 days. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of that facility. You shall remain at the facility until discharged by the Court.

You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance

CAUSE

Michelle Blair violated conditions of supervised release by consuming cocaine on March 8, 2006, in violation of standard condition 7.

On March 10, 2006, Michelle Blair reported to the United States Probation Office hours after release from Turner House. The offender submitted a urine specimen which showed presumptive positive for cocaine metabolites. Initially, the offender denied use when questioned by the undersigned. Eventually, Michelle Blair admitted that she stole crack cocaine from her ex-husband, with whom she has a child. The offender went on to say that she consumed the crack cocaine on Wednesday, March 8, 2006.

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Michelle Blair resides alone in an apartment while receiving Labor and Industries insurance for injuries sustained at her place of employment. She reports officially remaining employed by Professional Insulation, however, she has not returned to work in the last several months.

As an intermediate sanction: Michelle Blair was directed to not consume illicit drugs and to participate in a substance abuse evaluation and follow all recommendations. Additionally, she was instructed to participate in mental health counseling and abide by all recommendations for treatment. Urinalysis testing has been implemented at four times per month.

This petition is also to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Michelle Blair was asked whether she would waive her right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Ms. Blair has agreed to the proposed modifications.

It is respectfully recommended that the attached Waiver of Hearing to Modify Conditions of Supervised Release be adopted.

Respectfully submitted,

by

Tommy Rosser

Tommy Rosser

U.S. Probation Officer

Date: March 13, 2006

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

L. J. Miller

Signature of Judicial Officer

3/14/06

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 23 You shall reside in a community corrections center for a period of up to 180 days. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of that facility. You shall remain at the facility until discharged by the Court.
- 24 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 25 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance

Witness:

Tommy Rosser
Tommy Rosser
U.S. Probation Officer

Signed:

Michelle Lee Blair
Michelle Lee Blair
Probationer or Supervised Releasee

March 10, 2006

Date